

REMARKS

This submission is in response to the final Office Action mailed October 12, 2007. Claim 16 is pending. Claims 1-15 have been cancelled. No new matter has been introduced by way of this amendment. Reconsideration is respectfully requested.

Claim 16 stands rejected as obvious under 35 U.S.C. § 103(a) over Sanchez (FEBS Letters, 1998, c.436, p. 6-10) in view of Uesugi (Acta Neuropath., 1998, v. 9, pp. 351-356). According to the Examiner, Sanchez discloses that THC induces apoptosis in C6 glioma cells. and Uesugi teaches the use of a rat glioma cell line (C6) as a rat glioma model. The Examiner contends that based on these teachings, it would have been obvious for one skilled in the art to try to use THC to treat glioblastomas with a reasonable expectation of success *in vivo* given the teachings with respect to the disclosed *in vitro* teachings. Applicants traverse the rejection and respectfully request reconsideration.

Applicants submit that the presently claimed invention is not obvious over the cited art. Sanchez and Uesugi are directed to *in vitro* studies of Δ^9 -tetrahydrocannabinol inducing apoptosis in C6 glioma cells. The Examiner asserts that one skilled in the art, having the knowledge that THC induces apoptosis in C6 glioma cells, would be been motivated to try THC in the treatment of glioblastomas with a reasonable expectation of success.


Applicants submit that there would have been no reasonable expectation that effects of a compound observed *in vitro* would also be observed *in vivo*. One skilled in the art would readily recognize the specific and resistant nature of glioblastomas *in vivo* and the ample literature demonstrating that brain tumors, in particular glioblastomas, are known to be resistant to chemotherapies as shown in the attached references.

Applicants submit herewith a Declaration by Dr. Manuel Guzman pursuant to 37 C.F.R. 1.132, submitted in support of the pending application. (See Declaration, Tab A). This declaration provides the opinion of Dr. Guzman, a professor skilled in the art and a named inventor of the present application. Dr. Guzman details the basis that one cannot extrapolate from *in vitro* studies in the case of glioblastomas. He has confirmed that while these types of tumors can be treated with traditional chemotherapeutic agents *in vitro*, these same agents are ineffective against the tumors *in vivo*. One skilled in the art would know that apoptosis in an *in vitro* setting does not guarantee success in the a clinical setting.

Accordingly, one skilled in the art would not be able to rely on Sanchez in view of Uesugi to arrive the claimed invention. For at least these reasons, Applicants submit that the Examiner has not met the burden of establishing a *prima facie* case of obviousness under 35 U.S.C. § 103(a). Therefore, Applicants submit that claim 16 is not obvious over the cited art. Accordingly, Applicants request that the rejection be withdrawn.

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue. If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

By 

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